

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

DAVID RUSI

Case No. 23-40150-jmm

Debtor.

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SHEET METAL WORKERS' NATIONAL
PENSION FUND, INTERNATIONAL
TRAINING INSTITUTE FOR THE SHEET
METAL AND AIR CONDITIONING
INDUSTRY, SHEET METAL OCCUPATIONAL
HEALTH INSTITUTE TRUST, NATIONAL
ENERGY MANAGEMENT INSTITUTE
COMMITTEE, and NATIONAL STABILIZATION
AGREEMENT OF THE SHEET METAL
INDUSTRY TRUST FUND,

Adv. Pro. No.:
1-23-01088-jmm

**COUNTER-STATEMENT OF
MATERIAL FACTS IN RES-
PONSE TO THE AMENDED
STATEMENT OF UNDISPUTED
MATERIAL FACTS,
DATED: JANUARY 29, 2025**

Plaintiffs,

v.

DAVID RUSI,

Defendant.

-----X

Defendant, DAVID RUSI hereby sets forth this Counter-Statement of Material Facts in response to the Amended Statement of Undisputed Material Facts, dated January 29, 2025, and motion for summary judgment brought by Plaintiffs:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Neither admitted, nor Denied as it is an incomplete sentence.

7. Neither admitted, nor Denied as it calls for knowledge of "...internal management agreements" not in the control or knowledge of Defendant.
8. Admitted to be a correct recitation of the referenced provisions.
9. Admitted to be a correct recitation of the referenced provisions.
10. Admitted.
11. Admitted to be a correct recitation of the referenced provisions.
12. Admitted.
13. Admitted.
14. Admitted.
15. Admitted.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted.
22. Admitted.
23. Neither Admitted nor Denied as it is not stating an undisputed material fact, but rather an explanation of prior pleadings and events.
24. Admitted.
25. Admitted.
26. Admitted.
27. Admitted.
28. Admitted.
29. Admitted.
30. Admitted.
31. Admitted.
32. Admitted.

33. Admitted.
34. Neither admitted nor denied as it references actions taken in another matter against a non-party to this matter and is not within the knowledge of Debtor.
35. Admitted.
36. Admitted.
37. Admitted.
38. Admitted.
39. Admitted.
40. Neither admitted nor denied as it references statements by Plaintiffs' counsel to Defendant's prior counsel and is not within the knowledge of Defendant.
41. Admitted.
42. Admitted.
43. Neither admitted or denied as this is a document which speaks for itself and may or may not be evidence of facts.
44. Admitted.
45. Neither admitted or denied as this is a document which speaks for itself and may or may not be evidence of facts, further the characterizations of the contents is denied.
46. Neither admitted or denied as this is a document which speaks for itself and may or may not be evidence of facts.
47. Admitted that a response was provided on or about October 4, 2023, and, except as admitted deny any conclusions as any "admissions" in the documents.
48. Denied.
49. Admitted.
50. Admitted.
51. Admitted
52. Admitted.
53. Admitted.
54. Admitted.
55. Admitted.
56. Admitted.

57. Admitted.
58. Admitted.
59. Admitted.
60. Admitted.
61. Admitted.
62. Admitted.
63. Admitted.
64. Admitted.
65. Admitted.
66. Denied.
67. Admitted.
68. Admitted.
69. Denied.
70. Admitted that Defendant produced bank statements but object to the characterization of the statements.
71. Denied.
72. Neither admitted or denied as it is not within the scope of Defendant's knowledge.
73. Neither admitted or denied as it is not within the scope of Defendant's knowledge.
74. Neither admitted or denied as it is not within the scope of Defendant's knowledge.
75. .Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
76. Admitted.
77. Neither admitted or denied as it is not within the scope of Defendant's knowledge.
78. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
79. Admitted.
80. Admitted.
81. Admitted.
82. Admitted.

83. Admitted.
84. Admitted.
85. Admitted.
86. Admitted.
87. Admitted.
88. Admitted.
89. Admitted.
90. Admitted.
91. Admitted.
92. Admitted.
93. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
94. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion,
95. Admitted.
96. Admitted.
97. Admitted.
98. Admitted.
99. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion
100. Admitted.
101. Admitted.
102. Admitted.
103. Admitted.
104. Admitted.
105. Admitted.
106. Admitted.
107. Admitted.
108. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion

109. Admitted.
110. Admitted.
111. Admitted.
112. Admitted.
113. Admitted.
114. Admitted.
115. Admitted.
116. Admitted.
117. Admitted.
118. Admitted.
119. Admitted.
120. Admitted.
121. Denied. Defendant signed in his capacity as an officer of the corporate entity Fahrenheit Mechanical.
122. Admitted.
123. Admitted.
124. Neither admitted or denied as it is not within the scope of Defendant's knowledge.
125. Admitted.
126. Neither admitted or denied as this is a document which speaks for itself and may or may not be evidence of facts.
127. Neither admitted or denied as this is a document which speaks for itself and may or may not be evidence of facts.
128. Admitted.
129. Denied.
130. Denied.
131. Admitted.
132. Admitted.
133. Neither admitted or denied as it is not within the scope of Defendant's knowledge.
134. Admitted.

135. Admitted.
136. Admitted.
137. Admitted.
138. Admitted.
139. Admitted.
140. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
141. Admitted.
142. Admitted.
143. Neither admitted or denied as it is not within the scope of Defendant's knowledge.
144. Admitted.
145. Admitted.
146. Amitted.
147. Admitted.
148. Admitted.
149. Admitted.
150. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
151. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
152. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
153. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
154. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
155. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
156. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.

157. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.

158. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.

159. Admitted.

160. Admitted.

161. Admitted.

162. Admitted.

163. Admitted.

164. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.

165. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion

166. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.

167. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.

168. Admitted.

169. Admitted.

170. Admitted.

171. Admitted.

172. Admitted.

173. Admitted.

174. Admitted.

175. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.

176. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.

177. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.

178. Admitted.

179. Admitted.
180. Neither admitted, nor denied as it is an incomplete sentence.
181. Admitted.
182. Admitted.
183. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
184. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
185. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
186. Admitted.
187. Admitted.
188. Admitted.
189. Admitted.
190. Admitted.
191. Admitted.
192. Admitted.
193. Admitted.
194. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
195. Admitted.
196. Admitted.
197. Admitted.
198. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
199. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
200. Neither admitted or denied as this is a document which speaks for itself and may or may not be evidence of facts.
201. Admitted.

202. Neither admitted nor denied as it references statements by Plaintiffs' counsel to Defendant's prior counsel and is not within the knowledge of Defendant.
203. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
204. Admitted.
205. Admitted.
206. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
207. Admitted.
208. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
209. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
210. Admitted.
211. Denied, see Rusi Affirmation dated February 12, 2025, submitted in opposition to the instant motion.
212. Admitted.
213. Admitted.
214. Admitted.
215. Admitted.
216. Admitted.

Dated: Staten Island, New York
February 12, 2025

/s/ John J. Macron
John J. Macron
491 Bard Avenue
Staten Island, NY 10310
(718) 889-3583